

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

BROADCAST MUSIC, INC.; UNIVERSAL-
SONGS OF POLYGRAM INTERNATIONAL,
INC.; UNIVERSAL-MILLHOUSE MUSIC, A
DIVISION OF MAGNA SOUND CORP.;
VELVET APPLE MUSIC; WELSH WITCH
MUSIC; PWMP ACQUISITION I LLC d/b/a
PRIMARY WAVE BRIAN; HOT-CHA MUSIC
CO.; UNICHAPPELL MUSIC INC.;
MOEBETOBLAME MUSIC; MOW B'JOW
MUSIC INC.; SONY/ATV SONGS LLC;
PAINTED DESERT MUSIC CORPORATION,

Plaintiffs,

v.

UVC, INC. d/b/a MILLCREEK TAVERN
and JOHN GILLESPIE, individually,

Defendants.

CIVIL ACTION NO.

COMPLAINT

Plaintiffs, by their attorneys, for their Complaint against Defendants, allege as follows (on knowledge as to Plaintiffs; otherwise on information and belief):

JURISDICTION AND VENUE

1. This is a suit for copyright infringement under the United States Copyright Act of 1976, as amended, 17 U.S.C. Sections 101 et seq. (the "Copyright Act"). This Court has jurisdiction pursuant to 28 U.S.C. Section 1338(a).

2. Venue is proper in this judicial district pursuant to 28 U.S.C. Section 1400(a).

THE PARTIES

3. Plaintiff Broadcast Music, Inc. ("BMI") is a corporation organized and existing under the laws of the State of New York. BMI's principal place of business is 7 World Trade Center, 250 Greenwich Street, New York, New York 10007. BMI has been granted the right to license the public performance rights in approximately 8.5 million copyrighted musical compositions (the "BMI Repertoire"), including those which are alleged herein to have been infringed.

4. The Plaintiffs other than BMI are the owners of the copyrights in the musical compositions, which are the subject of this lawsuit. All Plaintiffs are joined pursuant to Fed. R. Civ. P. 17(a) and 19(a).

5. Plaintiff Universal-Songs of Polygram International, Inc. is a corporation. This Plaintiff is the copyright owner of at least one of the songs in this matter.

6. Plaintiff Universal-Millhouse Music is a division of Magna Sound Corp. This Plaintiff is the copyright owner of at least one of the songs in this matter.

7. Plaintiff Velvet Apple Music is a sole proprietorship owned by Dolly Parton. This Plaintiff is the copyright owner of at least one of the songs in this matter.

8. Plaintiff Welsh Witch Music is a sole proprietorship owned by Stephanie Nicks. This Plaintiff is the copyright owner of at least one of the songs in this matter.

9. Plaintiff PWMP Acquisition I LLC is a limited liability company doing business as Primary Wave Brian. This Plaintiff is the copyright owner of at least one of the songs in this matter.

10. Plaintiff Hot-Cha Music Co. is a partnership owned by Daryl Hall and John Oates. This Plaintiff is the copyright owner of at least one of the songs in this matter.

11. Plaintiff Unichappell Music Inc. is a corporation. This Plaintiff is the copyright owner of at least one of the songs in this matter.

12. Plaintiff Moebetoblame Music is a partnership owned by Michael Balzary, John Anthony Frusciante, Anthony Kiedis and Chad Gaylord Smith. This Plaintiff is the copyright owner of at least one of the songs in this matter.

13. Plaintiff Mow B'Jow Music Inc. is a corporation. This Plaintiff is the copyright owner of at least one of the songs in this matter.

14. Plaintiff Sony/ATV Songs LLC is a limited liability company. This Plaintiff is the copyright owner of at least one of the songs in this matter.

15. Plaintiff Painted Desert Music Corporation is a corporation. This Plaintiff is the copyright owner of at least one of the songs in this matter.

16. Defendant UVC, Inc. is a corporation organized and existing under the laws of the Commonwealth of Pennsylvania, which operates, maintains and controls an establishment known as Millcreek Tavern, located at 4200 Chester Ave., Philadelphia, PA 19104-4416, in this district (the "Establishment").

17. In connection with the operation of the Establishment, Defendant UVC, Inc. publicly performs musical compositions and/or causes musical compositions to be publicly performed.

18. Defendant UVC, Inc. has a direct financial interest in the Establishment.

19. Defendant John Gillespie is the President, Vice President, Secretary and Treasurer of Defendant UVC, Inc. with primary responsibility for the operation and management of that corporation and the Establishment.

20. Defendant John Gillespie has the right and ability to supervise the activities of Defendant UVC, Inc. and a direct financial interest in that corporation and the Establishment.

CLAIMS OF COPYRIGHT INFRINGEMENT

21. Plaintiffs repeat and reallege each of the allegations contained in Paragraphs 1 through 20.

22. Plaintiffs allege ten (10) claims of willful copyright infringement, based upon Defendants' unauthorized public performance of musical compositions from the BMI Repertoire. All of the claims for copyright infringement joined in this Complaint are governed by the same legal rules and involve similar facts. Joinder of these claims will promote the convenient administration of justice and will avoid a multiplicity of separate, similar actions against Defendants.

23. Annexed to this Complaint as a schedule (the "Schedule") and incorporated herein is a list identifying some of the many musical compositions whose copyrights were infringed by Defendants. The Schedule contains information on the ten (10) claims of copyright infringement at issue in this action. Each numbered claim has the following eight lines of information (all references to "Lines" are lines on the Schedule): Line 1 providing the claim number; Line 2 listing the title of the musical composition related to that claim; Line 3 identifying the writer(s) of the musical composition; Line 4 identifying the publisher(s) of the musical composition and the plaintiff(s) in this action pursuing the claim at issue; Line 5 providing the date on which the copyright registration was issued for the musical composition; Line 6 indicating the copyright registration number(s) for the musical composition; Line 7 showing the date(s) of infringement; and Line 8 identifying the Establishment where the infringement occurred.

24. For each work identified on the Schedule, the person(s) named on Line 3 was the creator of that musical composition.

25. For each work identified on the Schedule, on or about the date(s) indicated on Line 5, the publisher(s) named on Line 4 (including any predecessors in interest), complied in all respects with the requirements of the Copyright Act and received from the Register of Copyrights Certificates of Registration bearing the number(s) listed on Line 6.

26. For each work identified on the Schedule, on the date(s) listed on Line 7, Plaintiff BMI was (and still is) the licensor of the public performance rights in the musical composition identified on Line 2. For each work identified on the Schedule, on the date(s) listed on Line 7, the Plaintiff(s) listed on Line 4 was (and still is) the owner of the copyright in the respective musical composition listed on Line 2.

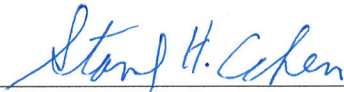
27. For each work identified on the Schedule, on the date(s) listed on Line 7, Defendants publicly performed and/or caused to be publicly performed at the Establishment the musical composition identified on Line 2 without a license or permission to do so. Thus, Defendants have committed copyright infringement.

28. The specific acts of copyright infringement alleged in the Complaint, as well as Defendants' entire course of conduct, have caused and are causing Plaintiffs great and incalculable damage. By continuing to provide unauthorized public performances of works in the BMI Repertoire at the Establishment, Defendants threaten to continue committing copyright infringement. Unless this Court restrains Defendants from committing further acts of copyright infringement, Plaintiffs will suffer irreparable injury for which they have no adequate remedy at law.

WHEREFORE, Plaintiffs pray that:

- (I) Defendants, their agents, servants, employees, and all persons acting under their permission and authority, be enjoined and restrained from infringing, in any manner, the copyrighted musical compositions licensed by BMI, pursuant to 17 U.S.C. Section 502;
- (II) Defendants be ordered to pay statutory damages, pursuant to 17 U.S.C. Section 504(c);
- (III) Defendants be ordered to pay costs, including a reasonable attorney's fee, pursuant to 17 U.S.C. Section 505; and
- (IV) Plaintiffs have such other and further relief as is just and equitable.

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Schedule

Line 1	Claim No.	1
Line 2	Musical Composition	Brown Eyed Girl
Line 3	Writer(s)	Van Morrison
Line 4	Publisher Plaintiff(s)	Universal - Songs of Polygram International, Inc.
Line 5	Date(s) of Registration	5/2/67
Line 6	Registration No(s).	Eu 993451
Line 7	Date(s) of Infringement	2/14/2015
Line 8	Place of Infringement	Millcreek Tavern

Line 1	Claim No.	2
Line 2	Musical Composition	Don't Tell My Heart a/k/a Achy Breaky Heart
Line 3	Writer(s)	Don Von Tress
Line 4	Publisher Plaintiff(s)	Universal - Millhouse Music, a Division of Magna Sound Corp.
Line 5	Date(s) of Registration	7/29/91
Line 6	Registration No(s).	PA 534-864
Line 7	Date(s) of Infringement	2/14/2015
Line 8	Place of Infringement	Millcreek Tavern

Line 1	Claim No.	3
Line 2	Musical Composition	Jolene
Line 3	Writer(s)	Dolly Parton
Line 4	Publisher Plaintiff(s)	Dolly Parton, an individual d/b/a Velvet Apple Music
Line 5	Date(s) of Registration	7/13/73
Line 6	Registration No(s).	Ep 314106
Line 7	Date(s) of Infringement	2/13/2015
Line 8	Place of Infringement	Millcreek Tavern

Line 1	Claim No.	4
Line 2	Musical Composition	Landslide
Line 3	Writer(s)	Stevie Nicks
Line 4	Publisher Plaintiff(s)	Stephanie Nicks, an individual d/b/a Welsh Witch Music
Line 5	Date(s) of Registration	6/30/75
Line 6	Registration No(s).	Eu 593046
Line 7	Date(s) of Infringement	2/13/2015
Line 8	Place of Infringement	Millcreek Tavern

Line 1	Claim No.	5
Line 2	Musical Composition	Maneater
Line 3	Writer(s)	Sara Allen; John Oates; Daryl Hall
Line 4	Publisher Plaintiff(s)	PWMP Acquisition I LLC d/b/a Primary Wave Brian; Daryl Hall and John Oates, a partnership d/b/a Hot-Cha Music Co.; Unichappell Music Inc.
Line 5	Date(s) of Registration	11/4/82
Line 6	Registration No(s).	PA 155-536
Line 7	Date(s) of Infringement	2/13/2015
Line 8	Place of Infringement	Millcreek Tavern

Line 1	Claim No.	6
Line 2	Musical Composition	Sara Smile
Line 3	Writer(s)	Daryl Hall; John Oates
Line 4	Publisher Plaintiff(s)	Unichappell Music Inc.
Line 5	Date(s) of Registration	8/4/75 12/8/75
Line 6	Registration No(s).	Eu 603889 Ep 346130
Line 7	Date(s) of Infringement	2/13/2015
Line 8	Place of Infringement	Millcreek Tavern

Line 1	Claim No.	7
Line 2	Musical Composition	Scar Tissue
Line 3	Writer(s)	Anthony Kiedis; Michael Balzary; Chad Smith; John Frusciante
Line 4	Publisher Plaintiff(s)	Michael Balzary, John Anthony Frusciante, Anthony Kiedis and Chad Gaylord Smith, a partnership d/b/a Moebetoblame Music
Line 5	Date(s) of Registration	4-5-99
Line 6	Registration No(s).	PAu 2-391-891
Line 7	Date(s) of Infringement	2/13/2015
Line 8	Place of Infringement	Millcreek Tavern

Line 1	Claim No.	8
Line 2	Musical Composition	Two Princes
Line 3	Writer(s)	Christopher Barron p/k/a Spindocter; Eric Schenkman p/k/a Spindocter; Mark White p/k/a Spindocter; Aaron Comess p/k/a Spindocter
Line 4	Publisher Plaintiff(s)	Mow B'Jow Music Inc.; Sony/ATV Songs LLC
Line 5	Date(s) of Registration	11/22/92
Line 6	Registration No(s).	PA 593-765
Line 7	Date(s) of Infringement	2/14/2015
Line 8	Place of Infringement	Millcreek Tavern

Line 1	Claim No.	9
Line 2	Musical Composition	Under The Bridge
Line 3	Writer(s)	Anthony Kiedis; Michael Balzary a/k/a Flea; Chad Smith; John Frusciante
Line 4	Publisher Plaintiff(s)	Michael Balzary, John Anthony Frusciante, Anthony Kiedis and Chad Gaylord Smith, a partnership d/b/a Moebetoblame Music
Line 5	Date(s) of Registration	3/9/92
Line 6	Registration No(s).	PA 561-586
Line 7	Date(s) of Infringement	2/14/2015
Line 8	Place of Infringement	Millcreek Tavern

Line 1	Claim No.	10
Line 2	Musical Composition	Ring Of Fire
Line 3	Writer(s)	June Carter; Merle Kilgore
Line 4	Publisher Plaintiff(s)	Painted Desert Music Corporation
Line 5	Date(s) of Registration	11/23/90 9/17/62
Line 6	Registration No(s).	RE 498-587 Ep 167400
Line 7	Date(s) of Infringement	2/13/2015
Line 8	Place of Infringement	Millcreek Tavern
